

ORDINANCE NO. 2433

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, AMENDING THE LAND DEVELOPMENT CODE OF GILBERT, ARIZONA, CHAPTER I ZONING REGULATIONS, DIVISION 2 LAND USE DESIGNATIONS, ARTICLE 2.1 SINGLE-FAMILY RESIDENTIAL DISTRICTS, BY AMENDING SECTION 2.104 LOT DEVELOPMENT REGULATIONS, TABLE 2.104: LOT DEVELOPMENT REGULATIONS - SINGLE FAMILY RESIDENTIAL DISTRICTS AND AMENDING THE GLOSSARY OF GENERAL TERMS TO AMEND THE DEFINITION OF "LOT COVERAGE" AND TO ADD DEFINITIONS OF "OPEN AIR ACCESSORY STRUCTURE," "OPEN AIR ATTACHED PATIO," "OPEN AIR PORCH;" ALL RELATED TO ALLOWING EXTRA LOT COVERAGE FOR OPEN AIR/OPEN ROOF STRUCTURES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

NOW THEREFORE, BE IT ORDAINED by the Common Council of the Town of Gilbert, Arizona, as follows:

Section I. In General.

The Land Development Code of Gilbert, Arizona, Chapter I Zoning Regulations, Division 2 Land Use Designations, Article 2.1 Single-Family Residential Districts, Section 2.104 Lot Development Regulations, is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

2.104 Lot Development Regulations

(See Table 2.105 for Non-Residential Uses)

Table 2.104: Lot Development Regulations – Single Family Residential Districts sets forth the development regulations for single family uses in single family residential districts, and are in addition to the development regulations set forth in Section 2.106: Additional Development Regulations and Division 4: General Regulations. Letter designations in the *Additional Regulations* column refer to regulations that follow Table 2.104: Lot Development Regulations – Single Family Residential Districts

Table 2.104: Lot Development Regulations – Single Family Residential Districts (See Table 2.105 for Non-Residential Uses)

<i>Standards</i>	<i>SF-43</i>	<i>SF-35</i>	<i>SF-15</i>	<i>SF-10</i>	<i>SF-8</i>	<i>SF-7</i>	<i>SF-6</i>	<i>SF-D</i>	<i>SF-A</i>	<i>Additional Regulations</i>
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Maximum Lot Coverage (%)										
One story	30	30	35	45	45	45	45	60	65	(F)
Two/Three –story	30	30	35	40	40	40	40	50	55	(F)
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F. ADDITIONAL LOT COVERAGE.

IN THE SF-6 THROUGH SF-43 DISTRICTS 5% ADDITIONAL LOT COVERAGE IN EXCESS OF THE LDC STANDARD FOR THE BASE ZONING DISTRICT IS PERMITTED FOR OPEN AIR ACCESSORY STRUCTURES, OPEN AIR ATTACHED PATIOS AND OPEN AIR PORCHES.

The Land Development Code of Gilbert, Arizona, Glossary of General Terms is hereby amended by amending the following terms to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

Lot Coverage. The percentage of a lot covered by buildings and structures. Lot coverage is determined by measuring the dimensions of the buildings or structures on the lot as follows:

1. All buildings and structures are measured from each exterior wall closest to the property line to the opposite exterior wall closest to the other property line on whatever floor is closest to the property line, including the exterior wall of any cantilevered element. ~~{insert graphic}~~
2. For covered architectural features attached to a building or structure, including but not limited to OPEN AIR ATTACHED PATIOS, OPEN AIR PORCHES, patio covers, decks, balconies and porches whether the roof is solid or an open or semi-open lattice roof element, lot coverage includes the area from exterior face of support column or post to exterior wall of building. ~~{insert graphic}~~
3. For detached accessory structures, including but not limited to OPEN AIR ACCESSORY STRUCTURES, patio covers, decks, ramadas and similar structures, lot coverage includes the area between the exterior face of support columns or posts whether the roof is solid or an open or semi-open lattice roof element. Where only one support element is provided lot

coverage includes the area under the exterior perimeter of the covered architectural feature. ~~{insert graphic}~~

4. Lot coverage does not include Uncovered patios, decks, balconies, porches, awnings and other similar architectural features having no support columns or posts. Lot coverage does not include the projection of cornices, roof eaves, overhangs and other similar architectural projections. Lot coverage does not include areas paved at grade for driveways, walkways, uncovered parking, walls or fences.

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OPEN AIR ACCESSORY STRUCTURE. MEANS A FREESTANDING PERMANENT STRUCTURE THAT HAS A SOLID ROOF, LATTICE ROOF OR FABRIC ROOF SURFACE SUPPORTED BY POLES, POSTS, COLUMNS OR OTHER VERTICAL STRUCTURAL MEMBERS THAT ARE PERMANENTLY ANCHORED INTO THE GROUND. THE STRUCTURE MAY HAVE UP TO ONE WALL ON ANY OF THE SIDES WITH THE REMAINING SIDES OPEN.

OPEN AIR ATTACHED PATIO. MEANS A PATIO WITHIN THE REAR ½ OF THE LOT ATTACHED TO THE HOUSE OR TO AN ACCESSORY STRUCTURE, GUEST QUARTERS OR SECONDARY DWELLING UNIT THAT IS OPEN ON AT LEAST ONE SIDE. THE PATIO MAY HAVE A SOLID ROOF, LATTICE ROOF OR FABRIC ROOF SURFACE SUPPORTED BY POLES, POSTS, COLUMNS OR OTHER VERTICAL STRUCTURAL MEMBERS.

OPEN AIR PORCH. MEANS A PORCH ATTACHED TO THE FRONT OF A DWELLING UNIT OR TO AN ACCESSORY STRUCTURE, GUEST QUARTERS OR SECONDARY DWELLING UNIT THAT IS OPEN ON AT LEAST TWO SIDES.

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Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties

Any person found responsible for violating the provisions set forth in this ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Sections 5.1205 and 5.1206 of the Town of Gilbert Land Development Code. Each day a violation continues, or the failure to perform any act or duty required by this zoning ordinance, the Zoning Code or by the Town of Gilbert Municipal Court continues, shall constitute a separate civil offense.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona, this 6th day of June, 2013, by the following vote:

AYES: COOK, COOPER, DANIELS, LEWIS, PETERSEN, RAY, TAYLOR

NAYES: NONE ABSENT: NONE

EXCUSED: NONE ABSTAINED: NONE

APPROVED this 6th day of June, 2013.



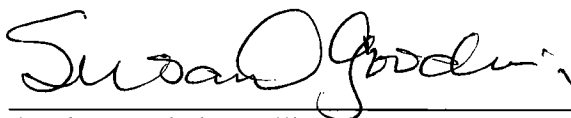
John W. Lewis, Mayor

ATTEST:




Catherine A. Templeton, Town Clerk

APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.
Town Attorneys
By Susan D. Goodwin

I, CATHERINE A. TEMPLETON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 2433 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT ON THE 6th DAY OF June, 2013, WAS POSTED IN FOUR PLACES ON THE 13th DAY OF June, 2013.


Catherine A. Templeton, Town Clerk